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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,964	05/19/2006	Ernst-August Meier	MEIER ET AL-3 PCT	9272

25889 7590 02/10/2009  
COLLARD & ROE, P.C.  
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ROSLYN, NY 11576

EXAMINER
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PRICE, RICHARD THOMAS JR

ART UNIT	PAPER NUMBER
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3643

MAIL DATE	DELIVERY MODE
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02/10/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/579,964	MEIER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas Price	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5-19-2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Radovic et al (US Patent 5,049,109) in view of Meier et al (US Patent 7,080,828)***.

Radovic et al teach a hair removal paddle 1 having a base body made of polymer material 2 and additional metallic components 9 and 10. Radovic et al teaches a polymeric material, however, the use of a vulcanized rubber mixture is not taught. Meier et al teach a vulcanized rubber mixture comprised of a rubber component and an active inhibitor which prevents the growth of microorganisms. In column 1, line 36, Meier et al teach "the inhibitor is particularly difficult to dissolve in water". On column 1, lines 48-50, "a carrier material is charged with the inhibitor or inhibitor system is mixed into the polymer material, specifically with the formation of a corresponding adduct". On column 1, lines 57-58, the carrier is made of a sodium-aluminum silicate. Column 2, lines 1-4, "the inhibitor or the inhibitor system is distributed essentially uniformly in the polymer material. Its proportion with reference to the total mass of the polymer material is, in particular, 0.1 to 5.0 wt.-%." Further, Meier et al teach on column 2, lines 5-6, "the polymer material is low in plasticizer", and on line 8-13, The polymer material is a vulcanized rubber mixture.....nitrile rubber (NBR).... EPDM/NBR blend". And on column

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2, lines 15-17, the reference to Meier et al teach "With reference to the total mass of the polymer material, the proportion of the polymer or rubber or blend component is 10-50 wt.-%". Regarding claim 1, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the polymeric material of Radovic et al with a rubber-active inhibitor material, in view of Meier et al, in that both materials are considered to be structurally equivalent to one another because they are equally flexible with sufficient strength. In regards to claims 12 and 13, the combination Radovic et al as modified by Meier et al, do not teach butyl rubber (IIR) or halogenated rubber (CIIR). The use of butyl rubber or halogenated rubber is considered to be structurally equivalent to the nitrile rubber NBR of Meier et al because the butyl and halogenated rubber are flexible, easily formable and economically to use, and as such, is believed to be obvious to a person of ordinary skill in the art at the time the invention was made.

### ***Conclusion***

Summary: Claims 1-17 are rejected.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 571-272-6892. The examiner can normally be reached on M-F from 6:30a.m. to 3:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Price/  
Primary Examiner, Art Unit 3643